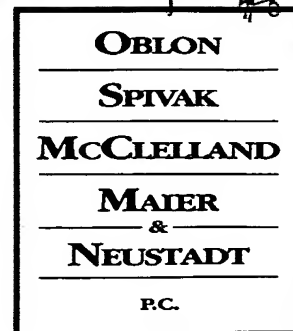




IAP15 Rec'd PCT/PTO 21 JUL 2006



Docket No.: 260119US6PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 10/509,684
Applicants: Pieter MATTHIJSSE, et al.
Filing Date: October 12, 2004
For: METHOD AND DEVICE FOR MANUFACTURING
OPTICAL PREFORMS, AS WELL AS THE OPTICAL
FIBRES OBTAINED THEREWITH
Group Art Unit:
Examiner: R.M. ROSS

SIR:

Attached hereto for filing are the following papers:

Request for Extension of Time ~ Two Month
Communication Regarding Submission Under 37 CFR 1.42
Response to Communication Regarding Submission Under 37 CFR 1.42 ~ 2 pp.
Declaration, Power of Attorney and Petition ~ Executed, 4 pp.
Statement ~ Executed , 1 pp.

Our credit card payment form in the amount of \$450.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 57,537
date: 08/28/2006
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-450.00 OP68/28/2006 SBASHEIR 00000001 10509684
Customer Number
01 FC:1252 570.00 DA 450.00 OP

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(703) 413-2220 (fax)Charles J. Andres Jr., Ph.D.
Registration No. 57,537

DOCKET NO: 260119US6PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
PIETER MATTHIJSSE, ET AL. : PETITIONS ATTORNEY: R. M. ROSS
SERIAL NO: 10/509,684 :
FILED: OCTOBER 12, 2004 :
FOR: METHOD AND DEVICE FOR :
MANUFACTURING OPTICAL :
PREFORMS, AS WELL AS THE OPTICAL :
FIBRES OBTAINED THEREWITH :

RESPONSE TO COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Communication dated March 23, 2006, Applicants submit this
paper.

Remarks begin on page 2 of this paper.

REMARKS/ARGUMENTS


Applicants thank Petitions Attorney Ross for the helpful and courteous discussions of June 5, 2006, and July 13, 2006, wherein the contents of the Declaration and Statement filed along with this paper were discussed.

Responsive to the Official Communication, Applicants have filed a Declaration and Statement. The Declaration and Statement are signed and dated by Johanna Catharina van Lierop Jansen, the sole heir of deceased inventor Henrikus Lambertus Maria Jansen. Based on the helpful discussions with Petitions Attorney Ross, Applicants submit that the Declaration and Statement are in compliance with applicable Office rules and regulations, and that this paper, the Declaration, and Statement, constitute a full response to the Official Communication of March 23, 2006.

Applicants submit the present application is now in condition for examination on the merits. Early notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
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Customer Number

22850

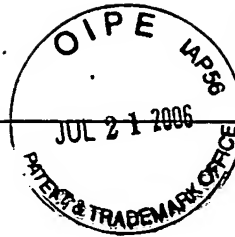
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23 MAR 2006

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of:
MATTHIJSSE, Pieter, et al.
U.S. Application No.: 10/509,684
PCT No.: PCT/NL03/00261
International Filing Date: 07 April 2003
Priority Date: 10 April 2002
Attorney's Docket No.: 260119US6PCT
For: METHOD AND DEVICE FOR
MANUFACTURING OPTICAL PREFORMS, AS
WELL AS THE OPTICAL FIBRES OBTAINED
THEREWITH

COMMUNICATION
REGARDING SUBMISSION
UNDER 37 CFR 1.42

RECEIVED: 3-27-06
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.
DOCKETING DEPT
Initials/Date Docketed: [Signature] 3/27/06
Type of Resp(s): [Signature] 3/27/06
Due Date(s): 5-23-06

This communication is issued in response to applicants' submission on 18 August 2005 of a declaration that identifies one of the inventors as deceased. The submission is treated herein as a submission under 37 CFR 1.42.

BACKGROUND

On 07 April 2003, applicants filed international application PCT/NL03/00261 which claimed a priority date of 10 April 2002 and which designated the United States. On 23 October 2003, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months after the priority date, i.e. 12 October 2004 (10 October 2004 was a Sunday and 11 October 2004 was a federal holiday in the United States).

On 12 October 2004, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 18 April 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 18 August 2005, applicants filed a response to the Notification Of Missing Requirements (with the necessary two-month extension fee). The response included a declaration executed by four of the five inventors. The declaration included an unsigned signature block for the remaining inventor, Henrikus Lambertus Maria JANSEN, and it was accompanied by a death certificate (with English translation) stating that the non-signing inventor had died on 01 August 2004.

NOTED
3/24/06

DISCUSSION

37 CFR 1.42 states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

(2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship, mailing address, and residence information for **both** the deceased inventor and the legal representative (or all the heirs, if applicable) must be included in the declaration.

The declaration filed by applicants on 18 August 2005 does not comply with 37 CFR 1.42 and 1.497(b)(2) in that it has not been executed on behalf of the deceased inventor by the deceased inventor's legal representative (or by all the heirs of the deceased inventor, if appropriate). Accordingly, the declaration cannot be accepted under 37 CFR 1.497 and 1.42.

CONCLUSION

For the reasons discussed above, the request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.42 and 37 CFR 1.497. Failure to provide a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include an oath or declaration executed on behalf of the deceased inventor in compliance with 37 CFR 1.42 and including all the information required under 37

Application No. 10/509,684

3

CFR 1.497 (including the citizenship, mailing address, and residence information for **both** the deceased inventor and the legal representative, as discussed above,.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration

A handwritten signature in cursive script, appearing to read 'R. M. Ross'.

Richard M. Ross
PCT Petitions Attorney
Office Of PCT Legal Administration
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Facsimile: (571) 273-0459